

### **Remarks**

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Claim 12 has been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 12 has been amended so as to address this rejection. As a result, withdrawal of the rejection is respectfully requested.

Claims 1 and 10-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hamada (US 6,980,794) in view of Maguire (US 2005/0130631). Claims 5 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hamada in view of Maguire and further in view of Brown (US 7,010,288). Claims 6 and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hamada in view of Maguire and Brown and further in view of and Mäkelä (US 6,301,338). Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Hamada in view of Maguire and Brown and further in view of Nishiyama (US 6,347,225). Claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Hamada in view of Brown and Maguire and further in view of prior art (PA).

Claims 1 and 10-13 have been amended so as include limitations similar to those previously set forth in claim 14, and claim 14 has been canceled without prejudice or disclaimer to the subject matter contained therein.

The above-mentioned rejections are respectfully traversed and submitted to be inapplicable to the amended claims for the following reasons.

Claim 1 is patentable over the combination of Hamada and Maguire, since claim 1 recites a mobile terminal including, in part, a device section operable to acquire environment information in response to detection of an incoming or outgoing phone call by a detection section, the environmental information being at least one of a still image of surroundings of the mobile terminal acquired with a camera, moving pictures of the surroundings of the mobile terminal acquired with a camera, sounds and soundscape of the surroundings of the mobile terminal acquired with a microphone, a channel which is being viewed in the mobile terminal acquired with an internal television tuner, and open/close information concerning at least one of a state of folding, rotating, and sliding of the mobile terminal acquired by an information acquisition section. The combination of Hamada and Maguire fails to disclose or suggest a device section operable to acquire environment information as recited in claim 1.

Hamada discloses a radio terminal apparatus 103 including a RAM 206. When activated in a network, the radio terminal apparatus 103 accepts notification of network area information when the network area information is received at a time of position registration, an outgoing call, and an incoming call. When the network area information has been received from the network, the radio terminal apparatus 103 first determines whether the content (country number information, carrier access number information, area information, etc.) is different from the content previously registered in the RAM 206. If the radio terminal apparatus 103 determines that the content has been changed, zone position/location information (carrier identification information and country information), selectable connecting network information and reference timekeeping information (time) are stored in the RAM 206. If the radio terminal apparatus 103 determines that the content has not been changed, the content in the RAM 206 is not changed. (See column 3, line 65 – column 7, line 64; column 8, lines 43-49; and Figures 2, 6 and 7).

In the rejection, the zone position/location information sent from the network to the radio terminal apparatus 103 and stored in the RAM 206 is relied upon as corresponding to the environment information acquired by the device section. However, it is apparent that this is not the case. Hamada explicitly discloses that the zone position/location information includes carrier identification information (i.e., information related to the entity that operates the network) and country information (i.e., the country in which the network is located). On the other hand, claim 1 recites that the environmental information is at least one of: (1) a still image of surroundings of the mobile terminal acquired with a camera, (2) moving pictures of the surroundings of the mobile terminal acquired with a camera, (3) sounds and soundscape of the surroundings of the mobile terminal acquired with a microphone, (4) a channel which is being viewed in the mobile terminal acquired with an internal television tuner, and (5) open/close information concerning at least one of a state of folding, rotating, and sliding of the mobile terminal acquired by an information acquisition section. It is clear that neither the carrier identification information, nor the country information, of the zone position/location information disclosed in Hamada corresponds to any of the information listed as the environmental information in claim 1. Further, it is apparent that no other information disclosed in Hamada corresponds to the environmental information as recited in claim 1. As a result, Maguire must disclose or suggest this feature in order for the combination of Hamada and Maguire to render claim 1 obvious.

Regarding Maguire, it discloses a mobile device 112 including a processor 122, a database 116, a display 120 and a communications event software interface module 126. The database 116 stores, as a communications event history, information indicating (1) whether or not an e-mail or SMS message has been read, or whether or not a telephone call was answered, (2) information denoting the type of the communications event (an email message, a SMS message, or a telephone call), and (3) information about the communications event. When a communication event has been received, the mobile device 112 retrieves a communication event history corresponding to the communication event and displays the above-mentioned three types of information on the display 120. (See page 3, paragraph [0011]; page 4, paragraph [0013]; page 7, paragraph [0021] – page 9, paragraph [0023]; pages 10 and 11, paragraph [0026]; and Figures 4 and 5).

As discussed above, when a communications event occurs, the mobile device is capable of retrieving information indicating (1) whether or not an e-mail or SMS message has been read, or whether or not a telephone call was answered, (2) information denoting the type of the communications event (an email message, a SMS message, or a telephone call), and (3) information about the communications event. However, Maguire also fails to disclose or suggest that the mobile device 112 acquires environment information as now recited in claim 1. Since Maguire fails to address the deficiencies of Hamada, it is apparent that the combination of Hamada and Maguire fails to render claim 1 obvious.

As for (1) Brown, (2) Mäkelä, (3) Nishiyama, and (4) PA, they are relied upon as disclosing (1) storing a plurality of outgoing messages (2) an alarm, (3) deleting an oldest piece of information from a memory when the memory is full, and (4) requesting approval prior to deleting a piece of information. However, they also fail to disclose or suggest the above-discussed feature of claim 1.

As for claims 10-13, they are patentable over the references relied upon in the rejections for reasons similar to those set forth above in support of claim 1. That is, claims 10-13 recite features related to environment information, which features are not disclosed or suggested in the references.

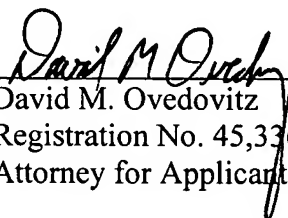
Because of the above-mentioned distinctions, it is believed clear that claims 1, 5-13 and 15 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention

would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 5-13 and 15. Therefore, it is submitted that claims 1, 5-13 and 15 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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